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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,507	10/10/2003	Michiharu Arimoto	008612-03103	9880
79297	7590	06/10/2010		
Dickinson Wright PLLC James E. Ledbetter, Esq. International Square 1875 Eye Street, N.W., Suite 1200 Washington, DC 20006			EXAMINER	
			CLOUD, JOIYA M	
			ART UNIT	PAPER NUMBER
			2444	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/682,507

**Applicant(s)**

ARIMOTO ET AL.

**Examiner**

Joiya M. Cloud

**Art Unit**

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

### ***DETAILED ACTION***

This action is responsive to communications 02/25/2010. Claims 1-27 are pending.

Applicant's arguments are moot in view of new ground(s) of rejection, necessitated by Applicant's substantial amendments (i.e. *"the terminals communicating a plurality of action contents with each other, each action content consisting of a group of associated packets...chronologically aligning the plurality of action contents to correspond to respective times when the action contents are actually communicated..."*), which affected the scope thereof.

### ***Specification***

The amendment filed 02/25/2010 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Exemplary claim 1 recites "an association chart indicating the terminals within the network and that superimposes additional objects on the association chart, the additional objects being generated in accordance with the display". Examiner finds no recitation in the instant specification of an association chart or any similar disclosures of the functionality of superimposing additional objects on a display (furthermore, when and how such superimposing occurs).

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-27**, are rejected under 35 U.S.C. 103(a) as being anticipated by **Trcka (U.S. Patent No. 6,453,345 B2)** in view of **Thelander et al. (U.S. Publication No. 2003/0009705 A1)**.

**As per claim 1**, Trcka discloses the invention substantially as claimed. Trcka discloses a network monitoring system that monitors a communication within a network including a plurality of terminals, the terminals including at least a client and a server, the terminals communicating a plurality of action contents with each other, each action content consisting of a group of associated packets (**Abstract and col. 2, lines 11-23**), the network monitoring system comprising: a data acquisition section that acquires a plurality of packets flown on a network (**col. 12, lines 12-19, where traffic data packets are received from the network**);

A data analysis section that analyses each of the packets to extract the group of associated packets from all the packets and that acquires an action content from the group of associated

packets, the data analysis section extracting a plurality of groups (**good packet data and bad packet data, col. 14, lines 7-22**) of the associated packets and acquiring a plurality of action contents therefrom (**Trcka discloses where the Archival Data Processing Module (Figure 3, item 64) extracts all good packet data into one group from all the packets and filters the bad packets into another group, see col. 14, lines 7-22. Analysis of the packet data is then parsed and filtered to identify underlying network transactions and types of transactions, col. 17, lines 56-col. 18, line 29**); a display-information generation section (**col. 18, lines 62-col. 19, line 5 and col. 22, lines 17-58**) that generates a display information by chronologically aligning the plurality of action contents to correspond to respective times when the action contents are actually communicated (**col. 14, lines 33-36, col. 16, lines 53-55 and col. 22, lines 17-58, where Trcka discloses an analysis application reconstructing network events and transactions “based on date/time stamps within the incoming packet stream, so that the original timing of the traffic sequence is restored”**);

a display unit that displays (**Figures 15 and 19, col. 22, lines 60-67**) an association chart indicating the terminals within the network and that superimposes additional objects on the association chart, the additional objects being generated in accordance with the display, the additional objects being superimposed on the association chart in a chronological order along with a real-time sequence of communication of the action contents (**Figures 15 and 19**),

However, Trcka does not explicitly teach wherein the additional objects includes the type of operating system employed by the client, the type of operating system employed by the server, an account name of a user accessing the client, and an icon representing the account name.

Thelander discloses wherein the additional objects includes the type of operating system employed by the client, the type of operating system employed by the server, an account name of a user accessing the client, and an icon representing the account name (**Figure 13 and paragraph [0072]**).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have modified Trcka's teachings to the teachings of Thelander for the purpose of efficient analysis of network actions according to specific parameters (i.e. platforms, operating system versions) and to easily perform root cause analysis of problem transactions associated with users and the corresponding accounts.

**As per claim 2**, Trcka-Thelander teaches a network monitoring system wherein the action explanation information is defined in advance (**col. 13, lines 62-65**).

**As per claim 3**, Trcka-Thelander teaches a network monitoring system wherein the data analysis section identifies kinds of the packets acquired by the data acquisition section and acquires the action content from the packets on the basis of the identified kinds of the packets (**Trcka: col. 17, lines 56-col. 18, line 29 and col. 18, lines 20-24**).

**As per claim 4**, Trcka-Thelander teaches a network monitoring system wherein the action content includes: sending source computer information included in a connection packet (**col. 7, lines 60-67**); user information included in an authentication packet (**col. 16, lines 5-15**); action object information included in an object specification packet (**col. 6, lines 40-56**); action information included in a command packet (**col. 6, lines 40-56**); and data included in a data packet (**col. 6, lines 40-56**).

**As per claim 5**, Trcka-Thelander teaches a network monitoring system further comprising an analysis data storage section for storing the action content acquired by the data analysis section, wherein: the display-information generation section regenerates the information of the sequence of individual actions that occurred on the network from the action content stored by the analysis data storage section (**Trcka: col. 14, lines 7-22, col. 14, lines 33-36, col. 16, lines 53-55 and col. 22, lines 17-58**).

**As per claim 6**, Trcka-Thelander teaches a network monitoring system wherein the action content stored by the analysis data storage section includes time information, which corresponds to time at which the single action was performed (**Trcka: col. 14, lines 7-22, col. 14, lines 33-36, col. 16, lines 53-55 and col. 22, lines 17-58**); and the display-information generation section regenerates the display information used to playback and display the action content stored by the analysis data storage section in accordance with the time information, in response to a request of a user (**Trcka: col. 14, lines 7-22, col. 14, lines 33-36, col. 16, lines 53-55 and col. 22, lines 17-58**).

**As per claim 7**, Trcka-Thelander teaches a network monitoring system wherein the display-information generation section continuously regenerates the sequence after each predetermined period, which period is accurate within 500 milliseconds (**Trcka: col. 9, lines 60-66**).

**As per claim 8**, Trcka-Thelander teaches a network monitoring system wherein the display-information generation section extracts and generates the display information in accordance with display setting by a user (**Trcka: col. 18, lines 62-col. 19, line 5**).

**Claims 9-16** are substantially the same as claims 1-8 but in method form rather than system form. Therefore, claims 9-16 are rejected using the same rationale as claims 1-8.

**Claims 17-24** are substantially the same as claims 1-8 and thus rejected using the same rationale.

**As per claims 25-27**, Cartsonis-Ludwig teaches wherein the display unit displays graphical representation of the communication connection between the client and the server (Thelander: Figure 13).

### ***CONCLUSION***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**JMC**

Art Unit 2444

June 4, 2010

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444